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Paper 122
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UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,496

CALIFORNIA INSTITUTE OF TECHNOLOGY
(5,821,058),
Junior Party,

v.

ENZO LIFE SCIENCES, INC.
(08/486,069),
Senior Party.

Before: SALLY GARDNER LANE, RICHARD TORCZON, and
MICHAEL P. TIERNEY, *Administrative Patent Judges*.

TORCZON, *Administrative Patent Judge*.

JUDGMENT
Bd.R. 127

In a decision on motions,¹ all of the involved claims of the senior party (Enzo) were held to be unpatentable, including on a threshold issue. Accordingly, it is appropriate to enter judgment against Enzo at this time.

JUDGMENT is ENTERED AGAINST Enzo for count 1;² and

All claims of Enzo's involved 08/486,069 application are FINALLY REFUSED³ except claims 1411-1487, 1490-1491, 1493-1499, 1504-1516, 1518, 1520-1525, 1527, 1530-1539, 1541, 1544-1568, 1570-1581, 1705-1718, 1727, 1730-1731, 1749-1757, 1760-1765 and 1784-1794.

A copy of this judgment will be entered in the administrative records of the involved patent and the involved application.

cc:

For the California Institute of Technology: Jerry D. Voight, FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., of Palo Alto, California, with Steven P. O'Connor, of Reston, Virginia.

For Enzo Life Sciences, Inc.: Robert M. Schulman, HUNTON & WILLIAMS, of Washington, D.C., with Eugene C. Rzucidlo, of New York City, New York; Scott F. Yarnell, of McLean, Virginia; and Robert C. Lampe, III, of Washington, D.C.; and with Ronald C. Fedus, ENZO BIOCHEM, INC., New York City, New York.

¹ Paper 120.

² Paper 1.

³ 35 U.S.C. 135(a).